

AUG 25 2006

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Customer Number

Patent
Case No.: 59056US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: SAULSBURY, KIM B.

Application No.: 10/699454

Confirmation No.: 9590

Filed: October 31, 2003

Title: REGISTRATION ARRANGEMENT FOR FUEL CELL ASSEMBLIES

RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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August 25, 2006
Date
Signed by: Phyllis J. Boettcher

Dear Sir:

This is in response to the Office Action mailed May 25, 2006.

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Request for Extension of Time

Under the provisions of 37 CFR § 1.136(a), Applicant petitions to extend the period for filing a reply in the above-identified application. The requested extension and appropriate fee are as follows (check time period desired):

- ☐ 37 CFR § 1.17(a)(1) - Extension within first month
☒ 37 CFR § 1.17(a)(2) - Extension within second month
☐ 37 CFR § 1.17(a)(3) - Extension within third month
☐ 37 CFR § 1.17(a)(4) - Extension within fourth month.

Please charge any fees due, or credit any overpayment to Deposit Account No. 13-3723.

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Restriction Requirement

Claims 1 - 90 are pending. Claims 1 - 90 were restricted under 35 USC § 121 as follows:

- I. Claims 1 - 23, 44 - 63 and 71 - 77 are said to be drawn to a fuel cell stack assembly and sub-assembly, classified in Class 429, subclass 32;
- II. Claims 24 - 35 and 78 - 81 are said to be drawn to a fuel cell stack assembly, classified in Class 429, subclass 38;
- III. Claims 36 - 43 and 82 - 86 are said to be drawn to a fuel cell stack assembly, classified in Class 429, subclass 39;
- IV. Claims 64 - 70 and 87 - 90 are said to be drawn to a fuel cell stack assembly, classified in Class 429, subclass 34.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the claims of Groups I, II, III and IV are so interrelated that a search of one group of claims will reveal art to the other. Applicants note that the claims of Groups I, II, III and IV are all classified in Class 429 and all described in whole or part as a fuel stack assembly.

Were restriction to be effected between the claims of Groups I, II, III and IV, a separate examination of the claims of Groups I, II, III and IV would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II, III and IV would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims of Groups I, II, III and IV, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

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Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

August 25, 2006

Date

By: 

Philip Y. Dahl, Reg. No.: 36,115

Telephone No.: 651-737-4029

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

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